

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

TWILA MILLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:03-CV-588
	)	(VARLAN/GUYTON)
JO ANNE B. BARNHART,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

This case is before the Court for consideration of the Report and Recommendation filed by United States Magistrate Judge H. Bruce Guyton, on February 28, 2005 [Doc. 31]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Guyton found that plaintiff's motion seeking attorney's fees pursuant to 42 § 406(b) [Doc. 28] should be granted and attorney's fees in the amount of \$7,047.25 should be awarded to plaintiff's counsel for work counsel performed at the district court level.

The Court has carefully reviewed this matter, including the underlying pleadings [Docs. 28, 29, 30]. The Court is in agreement with Magistrate Judge Guyton's recommendation which the Court adopts and incorporates into its ruling. The Court hereby **GRANTS** plaintiff's motion for attorney's fees pursuant to 42 § 406(b) [Doc. 28] in the

amount of \$7,047.25. The Court hereby **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 31]. The EAJA fees shall be refunded to plaintiff [*see* Doc. 27], and this case is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE